

Message Text

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ACTION DLOS-09

INFO OCT-01 ISO-00 ACDA-10 AID-05 CEA-01 CEQ-01 CG-00

CIAE-00 EPG-02 COME-00 DODE-00 DOTE-00 EB-07

EPA-04 ERDA-07 FMC-02 TRSE-00 H-02 INR-07 INT-05

IO-14 JUSE-00 L-03 NSAE-00 NSC-05 NSF-02 OES-07

OMB-01 PA-02 PM-04 PRS-01 SP-02 SS-15 AF-10

ARA-14 EA-09 EUR-12 NEA-10 FEA-01 AGR-10 USIE-00

INRE-00 NSCE-00 SSO-00 /185 W

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FM USMISSION USUN NEW YORK

TO SECSTATE WASHDC IMMEDIATE 3985

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FROM LOS DEL

E.O. 11652: N/A

TAGS: PLOS

SUBJECT: NEW EVENSEN TEXT, ARTICLES 64 AND 65

1. FOLLOWING IS NEW EVENSEN TEXT, ARTICLES 64 AND 65

(9 JUNE 1977):

ARTICLE 64

EVERY FIVE YEARS FROM THE ----- ENTRY INTO FORCE OF
THE CONVENTION -----, THE ASSEMBLY SHALL UNDERTAKE A
GENERAL AND SYSTEMATIC REVIEW OF THE MANNER IN WHICH THE
INTERNATIONAL REGIME OF THE AREA ESTABLISHED IN THE CONVENTION
HAS OPERATIVE IN PRACTICE. IN THE LIGHT OF THE SAID
REVIEW THE ASSEMBLY MAY ADOPT, OR RECOMMEND OTHER ORGANS
TO ADOPT, MEASURES WHICH (BEGIN UNDER) IN ACCORDANCE
WITH THE PROVISIONS AND PROCEDURES OF THIS PART OF THE
CONVENTION AND ITS ANNEXES (END UNDERLINE) ----- WILL
LEAD TO THE IMPROVEMENT OF THE OPERATION OF THE REGIME.

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ARTICLE 65

1. TWENTY YEARS FROM THE ----- ENTRY INTO FORCE OF
THE CONVENTION, ----- THE ASSEMBLY SHALL CONVENE A
CONFERENCE FOR THE REVIEW (BEGIN UNDERLINE) OF THOSE PROVISIONS
OF (END UNDERLINE) PART I OF THE CONVENTION

(BEGIN UNDERLINE) AND THE ANNEXES THERETO WHICH GOVERN THE
SYSTEM OF EXPLORATION AND EXPLOITATION OF THE RESOURCES
OF THE AREA (END UNDERLINE). (BEGIN UNDERLINE) THE CONFERENCE (END
UNDERLINE) SHALL CONSIDER IN DETAIL, IN THE LIGHT OF THE EXPERIENCE
ACQUIRED DURING THAT PERIOD, WHETHER THE ----- PROVISIONS
OF THIS PART OF THE CONVENTION (BEGIN UNDERLINE) GOVERNING (END UNDER

-
LINE) THE SYSTEM OF EXPLORATION AND EXPLOITATION OF THE RESOURCES
OF THE AREA HAVE ACHIEVED THEIR AIMS IN ALL RESPECTS, (BEGIN
UNDERLINE) IN PARTICULAR (END UNDERLINE) WHETHER THEY HAVE
CONTRIBUTED TO A JUST DISTRIBUTION OF THE RESOURCES OF THE
AREA, WHETHER THEY HAVE NOT RESULTED IN AN EXCESSIVE
CONCENTRATION OF THESE RESOURCES IN THE HANDS OF A SMALL
NUMBER OF STATES, WHETHER THE ECONOMIC PRINCIPLES SET
FORTH IN ARTICLE 9 HAVE BEEN COMPLIED WITH AND WHETHER
THE REGIME HAS BENEFITED THE DEVELOPING COUNTRIES.

2. IN PARTICULAR, THE CONFERENCE SHALL CONSIDER WHETHER,
DURING THE TWENTY-YEAR PERIOD, AN ECONOMIC BALANCE HAS
BEEN MAINTAINED BETWEEN THE AREAS RESERVED FOR THE AUTHORITY
AND THE CONTRACT AREAS EXPLOITED BY STATES, STATE ENTER-
PRISES, NATURAL OR JURIDICAL PERSONS, OR ANY ASSOCIATION
THEREOF.

3. IF THE CONFERENCE DECIDES TO AMEND (BEGIN UNDERLINE)
THE PROVISIONS OF THIS PART OF THE CONVENTION GOVERNING THE
SYSTEM OF EXPLORATION AND EXPLOITATION OF THE RESOURCES OF
THE AREA (END UNDERLINE), IT SHALL IN ANY EVENT ENSURE
THAT THE PRINCIPLES OF THE COMMON HERITAGE OF MANKIND,
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THE INTERNATIONAL REGIME DESIGNED TO ENSURE ITS EQUITABLE
EXPLOITATION FOR THE BENEFIT OF ALL COUNTRIES, ESPECIALLY
THE DEVELOPING COUNTRIES, AND AN AUTHORITY TO (BEGIN UNDERLINE)
CONDUCT (END UNDERLINE), ORGANIZE AND CONTROL ACTIVITIES
IN THE AREA ARE MAINTAINED. IT SHALL ALSO ENSURE THE MAIN-
TENANCE OF THE PRINCIPLES LAID DOWN IN PART I OF THE CONVEN-
TION WITH REGARD TO THE EXCLUSION OF CLAIMS OR EXERCISE
OF SOVEREIGNTY OVER ANY PART OF THE AREA, THE GENERAL
CONDUCT OF STATES IN RELATION TO THE AREA, (BEGIN UNDERLINE)
THE PREVENTION OF MONOPOLIZATION OF ACTIVITIES IN THE AREA (END
UNDERLINE), THE USE OF THE AREA EXCLUSIVELY FOR PEACEFUL
PURPOSES, ECONOMIC ASPECTS OF ACTIVITIES IN THE AREA,
SCIENTIFIC RESEARCH, TRANSFER OF TECHNOLOGY, PROTECTION
OF THE MARINE ENVIRONMENT AND OF HUMAN LIFE, RIGHTS OF COASTAL
STATES, THE LEGAL STATUS OF THE SUPERJACENT WATERS AND
AIR SPACE AND ACCOMMODATION (BEGIN UNDERLINE) AS BETWEEN
THE VARIOUS FORMS (END UNDERLINE) OF ACTIVITIES IN THE AREA
AND IN THE MARINE ENVIRONMENT.

4. THE CONFERENCE SHALL DETERMINE THE SYSTEM OF VOTING, (BEGIN UNDERLINE) AND ENTRY INTO FORCE PROCEDURES (END UNDERLINE),
----- PROVIDED THAT THE MAJORITIES REQUIRED UNDER ITS VOTING SYSTEM SHALL (BEGIN UNDERLINE) BE THE SAME AS (END UNDERLINE) THE MAJORITIES REQUIRED FOR DECISION BY VOTING OF THE THIRD UNITED NATIONS CONFERENCE ON THE LAW OF THE SEA, UNDER RULE 39 OF THE RULES OF PROCEDURE FOR THAT CONFERENCE. THE CONFERENCE SHALL MAKE EVERY EFFORT TO REACH AGREEMENT ON SUBSTANTIVE MATTERS BY WAY OF CONSENSUS AND THERE SHALL BE NO VOTING ON SUCH MATTERS UNTIL ALL EFFORTS AT CONSENSUS HAVE BEEN EXHAUSTED.

5. AMENDMENTS ADOPTED BY THE CONFERENCE UNDER THE PROVISIONS OF THIS ARTICLE SHALL NOT AFFECT RIGHTS ACQUIRED UNDER EXISTING CONTRACTS. IN ADOPTING RULES, REGULATIONS AND PROCEDURES ON DURATION OF ACTIVITIES UNDER PARAGRAPH 12 (B) (2) OF ANNEX I TO THIS PART OF THE CONVENTION, THE UNCLASSIFIED

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AUTHORITY SHALL HOWEVER TAKE INTO ACCOUNT THE POSSIBILITY OF THE CONVENTION BEING AMENDED, PROVIDED THAT IN ALL CASES A REASONABLE TIME FOR RETURN ON CAPITAL SHALL BE GIVEN.
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